

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

John Jay Helie,
Petitioner,
v.
Charles L. Ryan, et al.,
Respondents.

No. CV-15-08168-PCT-DLR

ORDER

Before the Court is the Report and Recommendation (R&R) of Magistrate Judge John Z. Boyle, (Doc. 43), regarding Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, (Doc. 7). The R&R recommends that the petition be denied and dismissed with prejudice. Magistrate Judge Boyle advised the parties that they had fourteen days to file objections to the R&R. (Doc. 43 at 19-20 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72).) Petitioner filed his “Notice of Objection to Report and Recommendation of Petition for Writ of Habeas Corpus” on September 8, 2017. (Doc. 44.)

The Court has considered the objections and reviewed the R&R de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the R&R to which specific objections are made). The Court agrees with Magistrate Judge Boyle’s determinations, accepts the recommended decision within the meaning of Rule 72(b), and overrules Petitioner’s objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole

or in part, the findings or recommendations made by the magistrate judge").

IT IS ORDERED that R&R (Doc. 43) is accepted. Having considered the issuance of a Certificate of Appealability from the order denying Petitioner's Petition for a Writ of Habeas Corpus, the Certificate of Appealability and leave to proceed in forma pauperis on appeal are **DENIED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment denying and dismissing Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, (Doc. 7), with prejudice, and shall terminate this action.

Dated this 3rd day of November, 2017.


Douglas L. Rayes
United States District Judge